

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by 1st submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication.

Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. STATE BOARD OF NURSING

PREAMBLE

1. **Section Affected**

R4-19-301 R4-19-302 R4-19-303 R4-19-304 R4-19-306 R4-19-404 R4-19-504 R4-19-507 R4-19-511	<u>Rulemaking Action</u> Amend Amend Amend Amend Amend Amend Amend Amend
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2. **The statutory authority for the rulemaking, including both the authorizing statute (general and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 32-1601(A) and 41-1003

Implementing statute: A.R.S. §§ 32-1605.01(A)(3); 32-1606(A)(1) and (6), (B)(4) and (13); and 41-1073
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Joey Ridenour, R.N., M.N., Executive Director

Address: State Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020

Telephone: (602) 255-5092, ext. 125

Fax Number: (602) 255-5130
4. **An explanation of the rule, including the agency's reasons for initiating the rule:**

The proposed rules are necessary to comply with the requirements of A.R.S. § 41-1073 which requires an agency that issues licenses to have final rules in place establishing an overall time-frame during which the agency will either grant or deny each type of license that it issues.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**

The proposed amendments of the rules will have no economic impact on either the nurses regulated under 4 A.A.C. 19 or the public. The nurses regulated will be informed of the expected time-frames required to process applications to this agency. The costs are to the Secretary of State for publication of the rules and to the Board in promulgating them.

Arizona Administrative Register
Notices of Proposed Rulemaking

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Joey Ridenour, R.N., M.N., Executive Director
Address: State Board of Nursing
1651 East Morten, Suite 150
Phoenix, Arizona 85020
Telephone: (602)255-5092, ext. 125
Fax: (602)255-5130

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 28, 1997
Time: Immediately following the 9 a.m. Board Meeting
Location: Board of Medical Examiners Conference Room
1651 East Morten, Suite 210
Phoenix, Arizona 85020
Nature: Public Hearing

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:
None.

11. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

(Authority: A.R.S. § 32-1602 et seq.)

ARTICLE 3. LICENSURE

Section

- R4-19-301. Licensure by Examination
R4-19-302. Licensure by Endorsement
R4-19-303. Temporary License
R4-19-304. Biennial License Renewal
R4-19-306. Application for a Duplicate License

ARTICLE 4. REGULATION

Section

- R4-19-404. Reinstatement or Issuance of License

ARTICLE 5. EXTENDED NURSING PRACTICE

Section

- R4-19-504. Requirements For Registered Nurse Practitioner Certification
R4-19-507. Prescribing and Dispensing Authority
R4-19-511. Requirements for Clinical Nurse Specialist Certification

ARTICLE 3. LICENSURE

R4-19-301. Licensure by Examination

- A. An applicant for licensure by examination shall submit all of the following information to the Board not later than 60 days prior to the date the applicant wishes to take the examination.
1. A completed application on a form furnished by the Board which provides the following information:
- a. A passport photograph not over 2 years old;
- b. The applicant's full name and any former names used by the applicant;
- c. The applicant's current address and telephone number;

- d. The applicant's place and date of birth;
- e. The applicant's sex and ethnic category;
- f. The applicant's social security number, at the applicant's discretion;
- g. The applicant's education, including the names of the schools, graduation dates, and degrees received;
- h. If otherwise licensed as a registered or practical nurse, the state or country where the applicant is licensed;
- i. Whether the applicant has taken the SBTPE, NCLEX-RN, or NCLEX-PN in the United States, including dates and examination results;
- j. Whether the applicant has previously filed a nursing application in Arizona;
- k. A listing of all states and countries in which the applicant is or has been licensed as a nurse and the license numbers;
- l. Whether any disciplinary action, consent order, or settlement agreement is pending or has been imposed by any professional licensing agency, and an explanation of the circumstances and a completed questionnaire provided by the Board which requests the facts surrounding the matter if such occurred;
- m. Whether the applicant has ever been arrested, pled guilty to or been convicted of a felony, misdemeanor, or undesignated offense, and an explanation and a completed questionnaire provided by the Board which requests the facts surrounding the matter if such has occurred;
- n. Whether the applicant has ever been arrested for a traffic-related violation resulting in a fine of \$150.00 or greater, and an explanation and a completed questionnaire provided by the Board which requests the facts surrounding the matter if such has occurred;

Arizona Administrative Register
Notices of Proposed Rulemaking

- tionnaire provided by the Board which requests the facts surrounding the matter if such has occurred;
- o. Whether the applicant has ever been named in a civil/malpractice case relating to employment as a nurse, and an explanation and a completed questionnaire provided by the Board which requests the facts surrounding the matter if such has occurred;
 - p. The applicant's current employer, including address, type of position, and dates of employment;
 - q. A sworn statement under oath by the applicant verifying the truthfulness of the information provided by the applicant;
2. A copy of the application for licensure by examination sent to the National Council of State Boards of Nursing; and,
 3. The statutorily required fees.
- B.** The Board office shall finish an administrative completeness review within 45 days from the date of receipt of an application.
1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
 2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 45-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.
- C.** Upon successful completion of the NCLEX examination by the applicant, the Board office shall complete a substantive review of the applicant's qualifications in no more than 150 days. Once the substantive review is complete, the Board shall review the application at its next regularly scheduled meeting.
- D.B.** An applicant shall submit to the Board, within 10 working days prior to the date of examination, a certificate signed by the Program Administrator showing that the applicant has successfully completed a nursing program.
- E.C.** An applicant who holds a Diploma or Associate degree in Nursing or a Baccalaureate degree in Nursing from an approved program shall be eligible to take the licensure examination for professional nursing.
- E.D.** An applicant who holds a Certificate or a Diploma in Practical Nursing from an approved nursing program shall be eligible to take the licensure examination for practical nursing.
- G.E.** An applicant, who is a graduate of a foreign nursing program, shall be eligible to take the licensure examination upon submitting proof that the applicant is licensed or registered and in good standing in another country, or the applicant provides official document which evidences successful completion of a foreign program of nursing. A certificate issued by the Commission on Graduates of Foreign Nursing Schools may be submitted as evidence of the educational qualifications required in subsection (D) (B).
- H.E.** To be eligible for licensing, an applicant for professional nurse licensure shall obtain 1 of the following:
1. A passing score on the NCLEX-RN;
 2. A score of 1600 on the NCLEX-RN, if the examination was taken prior to July 1988; or
 3. A score of not less than 350 on each part of the SBTPE for professional nurses.
- I.C.** To be eligible for licensing, an applicant for practical nurse licensure shall obtain 1 of the following:
1. A passing score on the NCLEX-PN,
 2. A score of not less than 350 on the NCLEX-PN, if the examination was taken prior to October 1988, or
3. A score of not less than 350 on the SBTPE for practical nurses.
- J.H.** An applicant who fails the initial examination shall be allowed to retake the examination 3 additional times within a 1-year period from the date of the initial examination.
- K.I.** An applicant who fails the examination 4 times or who does not pass the examination within the time period specified in subsection (J) (H) shall complete a reentry update program designed by an approved nursing program before being permitted to retake the examination. Upon completion of the program, the applicant shall request that the administrator of the nursing program submit documentation of satisfactory completion of the program by the applicant to the Board not later than 1 month prior to the date of reexamination for which the applicant has applied.
- L.J.** The Board may deny licensure of an applicant if the Board determines that it has reasonable cause to believe that cheating, fraud, deception, or improper conduct occurred on the part of the applicant during examination or in connection with the application. The applicant shall be notified, in writing, of the intended action of the Board and shall have 10 days from the date of receipt of this notice to file a request for hearing with the Board. Hearings shall be conducted in accordance with A.R.S. Title 32, Article 3, and A.R.S. Title 41, Chapter 6, Article 6.
- M.** For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for the issuance of a license by examination:
1. Administrative completeness review time frame: 45 days;
 2. Substantive review time-frame: 150 days, to commence upon successful completion of the NCLEX examination by the applicant;
 3. Overall time-frame: 195 days.
- R4-19-302. Licensure by Endorsement**
- A.** An applicant for licensure by endorsement shall submit all of the information required to be submitted in R4-19-301(A).
- B.** The Board office shall finish an administrative completeness review within 45 days from the date of receipt of an application.
1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
 2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 45-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information. If the deficient information is not provided within 6 months after written notice of deficiencies is mailed, the application shall lapse. Upon lapsing, a new application shall be required.
- C.** From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 150 days. Once the substantive review is complete, the Board shall review the application at its next regularly scheduled meeting.
- D.B.** To be eligible for licensure by endorsement, an applicant for professional nurse licensure by endorsement shall be qualified pursuant to A.R.S. § 32-1632 and shall have a passing examination score in accordance with R4-19-301(H) (F).
- E.C.** To be eligible for licensure by endorsement, an applicant for practical nurse licensure by endorsement shall be qualified

Arizona Administrative Register
Notices of Proposed Rulemaking

pursuant to A.R.S. § 32-1637 and shall have a passing examination score in accordance with R4-19-301(I) (G).

E.D. An applicant shall request that the state issuing original licensure submit to the Board, on a form provided by the Board, verified evidence of the applicant's graduation from a program of nursing which is approved by the state where the program is administered, SBTPE or NCLEX results, and current licensure status. The applicant shall pay all required fees for official endorsement. No licensure by endorsement shall be issued in the absence of receipt of this documentation.

E. ~~An application for licensure by endorsement shall be completed within six months or it shall lapse. Upon lapsing, a new application shall be required.~~

G.E. An applicant denied licensure by endorsement may request a hearing to appeal the decision by filing the request, in writing, with the Board, not later than 10 days after receipt of the notice denying the license.

H. ~~For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for the issuance of a license by endorsement:~~

- ~~1. Administrative completeness review time-frame: 45 days;~~
- ~~2. Substantive review time-frame: 150 days;~~
- ~~3. Overall time-frame: 195 days.~~

R4-19-303. Temporary License

A. An applicant who is qualified pursuant A.R.S. § 32-1635 or 32-1640 and who desires to practice nursing pending licensure may submit a written request to the Board for a temporary permit, together with a completed application for licensure on a form provided by the Board in accordance with this Article, and the other documents required to be submitted or an official statement from another state board of nursing verifying that the applicant has a current license in good standing. An applicant for licensure by endorsement may also submit a request to the Board for a temporary permit. The permit, if issued, shall be valid for a period of 2 months commencing from the date of the completed application and receipt of fees by the Board.

B. An applicant who has filed an application for renewal of a license which has been inactive or expired for 5 or more years may also submit a written request to the Board for a temporary permit to practice to allow the applicant to complete a reentry update program.

C. ~~The Board office shall finish an administrative completeness review within 20 days from the date of receipt of an application.~~

- ~~1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.~~
- ~~2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 20-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.~~

D. ~~From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 10 days.~~

E.C. A temporary permit shall expire on the date set forth on the permit, unless the license permit holder applies for and is granted an extension by the Board or the Board's Executive Director.

E. ~~for the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for both initial approval and extension:~~

- ~~1. Administrative completeness review time-frame: 20 days;~~
- ~~2. Substantive review time-frame: 10 days;~~
- ~~3. Overall time-frame: 30 days.~~

R4-19-304. Biennial License Renewal

A. A licensee shall submit an application for license renewal on a form provided by the Board in accordance with A.R.S. § 32-1642, together with all statutorily mandated fees, on or before the licensee's date of birth. The applicant shall provide the following information, signed and under oath, on the application:

1. The applicant's full name and current address;
2. Other names practiced under by the applicant, highest degree held, employment status, principal field of employment, employer's name and city of operation, type of nursing position held, and major clinical or teaching area in nursing;
3. Whether any disciplinary action, consent order, or settlement agreement is pending or has been imposed on applicant's license in any state or jurisdiction since last license renewal, and an explanation of the circumstances surrounding the matter if such occurred;
4. Whether the applicant has ever been arrested, pled guilty to, or been convicted of a felony, misdemeanor, or undesignated offense, and an explanation of the circumstances surrounding the matter if such has occurred;
5. Whether the applicant has ever been arrested for a traffic-related violation resulting in a fine of \$150.00 or greater, and an explanation of the circumstances surrounding the matter if such has occurred; and
6. Whether the applicant has ever been named in a civil/malpractice case relating to employment as a nurse, and an explanation of the circumstances surrounding the matter if such has occurred;

B. ~~The Board office shall finish an administrative completeness review within 60 days from the date of receipt of an application.~~

- ~~1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.~~
- ~~2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 60-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.~~

C. ~~From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 10 days.~~

D.C. A licensee who submits a renewal application with the correct fee to the Board after the expiration of the license shall be assessed a penalty fee in accordance with A.R.S. § 32-1643(A)(5).

E.D. A licensee born in an even-numbered year shall renew a license in an even-numbered year. A licensee born in an odd-numbered year shall renew a license in an odd-numbered year.

E.E. A licensee whose license has been inactive or expired for 5 or more years shall submit, with the renewal application, evidence of competency in nursing which shall include:

1. Employment as a professional nurse or licensed practical nurse in another state or foreign country within the previous 5-year period, or
2. Satisfactory completion of a Board-approved reentry update program which includes both theory and clinical practice within the past year, or

Arizona Administrative Register
Notices of Proposed Rulemaking

3. Satisfactory completion of a minimum of 30 contact hours of continuing education activities in nursing during the past 2 years.

G. A licensee who fails to apply for a renewal license before expiration of a valid license shall not practice nursing until a renewal license is issued.

H. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for biennial license renewal applications:

1. Administrative completeness review time-frame: 60 days;
2. Substantive review time-frame: 10 days;
3. Overall time-frame: 70 days.

R4-19-306. Application for a Duplicate License

A. A licensee shall report to the Board, in writing, a lost or stolen license within 5 business days of the loss.

B. A licensee shall file a renewal application for a duplicate license and a notarized statement explaining and verifying the loss or theft of the license.

C. The Board office shall finish an administrative completeness review within 20 days from the date of receipt of an application.

1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 20-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.

D. From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 10 days.

E.C. A licensee shall cooperate fully with any Board investigation or in testifying concerning any loss of a license.

E. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for approval:

1. Administrative completeness review time-frame: 20 days;
2. Substantive review time-frame: 10 days;
3. Overall time-frame: 30 days.

ARTICLE 4. REGULATION

R4-19-404. Reinstatement or Issuance of License

A. A nurse whose license to practice nursing has been suspended for a period of time shall be reinstated at termination of the period of suspension only upon submission to and acceptance by the Board of documentation which evidences that the conditions of the order have been met. The license for a nurse who fails to provide such documentation shall remain suspended until such submission and acceptance.

B. A nurse whose license to practice nursing has been denied or revoked in accordance with A.R.S. § 32-1663 may make application to the Board, after a period of 5 years subsequent to the date the license was revoked or last denied, for the issuance or reissuance of a license under the following terms and conditions:

1. An application shall be submitted in writing, verified under oath, and shall contain therein or have attached thereto substantial evidence that the basis for denial or revocation has been removed and that the issuance of license will no longer constitute a threat to the public

health or safety. The Board may require physical, psychological, or psychiatric evaluations, reports, and affidavits. These conditions shall be met before an application is considered.

2. The Board shall consider the application and may designate a time for the applicant to appear at a regularly scheduled meeting of the Board so that evidence of qualification and competency to practice can be presented.
3. After reviewing the evidence and deliberating the matter, the Board may:

- a. Grant the applicant a temporary permit to complete a specified period of supervised practice. On completion of the supervised practice period, the Board shall consider the evaluation of the applicant's performance and shall approve or deny the application or extend the period of supervised practice.

- b. Deny the application. An applicant who is denied issuance or reissuance of a license shall have 10 days from the date of receipt of the notice of denial from the Board to file a request for hearing, in writing, with the Board. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

C. The Board office shall finish an administrative completeness review within 30 days from the date of receipt of an application.

1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 30-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.

D. From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 180 days. Once the substantive review is complete, the Board shall review the application at its next regularly scheduled meeting.

E. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for both reinstatement and reissuance applications:

1. Administrative completeness review time-frame: 30 days;
2. Substantive review time-frame: 180 days;
3. Overall time-frame: 210 days.

ARTICLE 5. EXTENDED NURSING PRACTICE

R4-19-504. Requirements for Registered Nurse Practitioner Certification

A. An applicant for certification as a registered nurse practitioner shall:

1. Hold a current license in good standing to practice as a professional nurse in Arizona; and
2. Submit to the Board:
 - a. A notarized application furnished by the Board which provides the following information:
 - i. The applicant's full name and any former names used by the applicant;
 - ii. The applicant's current mailing address and telephone number;
 - iii. The applicant's professional nurse license number;

Arizona Administrative Register
Notices of Proposed Rulemaking

- iv. A description of the applicant's educational background, including the name and location of schools attended, the number of years attended, the date of graduation, and the type of degree or certificate awarded;
 - v. The specialty area for which the applicant wishes to be certified;
 - vi. The applicant's current employer, including address, type of position, and dates of employment;
 - vii. Whether the applicant has taken and passed a national certification examination, and the name of the certifying organization, specialty area, certification number, and date of certification;
 - viii. Whether the applicant has ever had a nursing license denied, suspended, or revoked, and an explanation of any license denial, suspension, or revocation;
 - ix. Whether a disciplinary action, consent order, or settlement agreement has been imposed upon the applicant, and an explanation of any disciplinary action, consent order, or settlement agreement; and
 - x. A sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
- b. An official transcript and a copy of a certificate or official letter received from a course of study verifying completion of a registered nurse practitioner course of study in a regionally accredited college or university, which was of at least 9 months in length and included theory and clinical experience to prepare the applicant as a registered nurse practitioner;
- c. If a nurse midwife, evidence of current certification or recertification from the American College of Nurse Midwives or its Certification Council; and
- d. The prescribed fee.
- B.** An applicant for certification as a registered nurse practitioner on or after January 1, 2001, shall have a master of science degree in nursing or a master's degree in a health-related area. The Board shall continue to certify a registered nurse practitioner that the Board certified before January 1, 2001, if the registered nurse practitioner maintains a current license in good standing to practice as a professional nurse in Arizona.
- C.** The Board office shall finish an administrative completeness review within 30 days from the date of receipt of an application.
- 1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
 - 2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 30-day time-frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.
- D.** From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 150 days. Once the substantive review is complete, the Board shall review the application at its next regularly scheduled meeting.
- E.D.** The Board shall issue a certificate to practice as a registered nurse practitioner in a specialty area to a professional nurse who meets the criteria set forth in this Section. An applicant who is denied a certificate may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6 and 4 A.A.C. 19, Article 6.
- E.** For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for initial certification application:
- 1. Administrative completeness review time-frame: 30 days;
 - 2. Substantive review time-frame: 150 days;
 - 3. Overall time-frame: 180 days.
- R4-19-507. Prescribing and Dispensing Authority**
- A.** The Board shall authorize a registered nurse practitioner to prescribe and dispense medication only if the registered nurse practitioner satisfies the following requirements:
- 1. Is a professional nurse currently licensed in Arizona in good standing and authorized by the Board to practice within a specialty area identified in R4-19-501;
 - 2. Has 1 year of documented active practice as a registered nurse practitioner immediately before applying for prescribing and dispensing authority;
 - 3. Submits a completed, notarized application on a form provided by the Board. The applicant shall provide the following information:
 - a. Name, address, and home phone number;
 - b. Professional nurse license number;
 - c. Nurse practitioner specialty;
 - d. Certification number;
 - e. Business address and phone number;
 - f. Length of time that applicant has practiced as a registered nurse practitioner and whether full or part time;
 - g. If a faculty member, the number of hours of direct patient contact during the year preceding the date of application;
 - h. Name and address of a collaborating physician who prescribes and dispenses and whose license status has been confirmed by the Board with the physician's licensing board;
 - i. Chronological listing of continuing education obtained by the applicant in pharmacology or clinical management of drug therapy or both in the last 2 years;
 - j. Whether the applicant is going to apply for a DEA number to prescribe controlled substances;
 - k. Authority for which the applicant is applying; and,
 - l. Sworn statement by the applicant verifying the truthfulness of the information provided by the applicant.
 - 4. Submits evidence of completion of a minimum of 45 contact hours of education in pharmacology or clinical management of drug therapy or both within 2 years immediately before the date of the application.
 - a. Six of the 45 contact hours shall have been obtained within 1 year immediately before the date of application. One-half (22 ½ hours) of the required contact hours submitted for application for prescribing authority may be from mediated instruction and self study.
 - b. A registered nurse practitioner who leads, instructs, or lectures to groups of health professionals on pharmacy-related topics in continuing education activities sponsored by a national professional accrediting organization shall be granted contact hours for the

Arizona Administrative Register
Notices of Proposed Rulemaking

time expended during the initial presentation, upon documentation to the Board.

- c. A registered nurse practitioner whose primary responsibility is the education of health professionals shall not be granted contact hours for time expended on normal teaching duties within the learning institution.
- B.** The Board office shall finish an administrative completeness review within 30 days from the date of receipt of an application.
 - 1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.
 - 2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 30-day timeframe for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.
- C.** From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 150 days. Once the substantive review is complete, the Board shall review the application at its next regularly scheduled meeting.
- D.B.** Upon receipt of an application, the Board shall review the application and the related material and shall approve the application if the applicant meets the requirements of this Section. The authority to prescribe and dispense medication shall be valid through December 31 of the year in which the authority is granted. An applicant who is denied medication prescribing and dispensing authority may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying the application for prescribing and dispensing authority. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6, and 4 A.A.C. 19, Article 6.
- E.C.** A registered nurse practitioner who has been granted prescribing and dispensing authority may:
 - 1. Prescribe medications, and medical devices and appliances.
 - 2. Provide for refill of prescription-only medications for 1 year from the date of the prescription.
- E.D.** A registered nurse practitioner to whom the Board has granted prescribing and dispensing authority and who wishes to prescribe a controlled substance shall make application to the DEA and obtain a DEA registration number before prescribing a controlled substance. The registered nurse practitioner shall file the DEA registration number with the Board.
- G.E.** A registered nurse practitioner with a DEA registration number may prescribe a controlled substance scheduled as Class II, as defined in the Federal Controlled Substance Act, 21 U.S.C. § 801 et seq., or Arizona's Uniform Controlled Substance Act, A.R.S. Title 36, Chapter 27, but shall not permit refills of the prescription.
- H.E.** A registered nurse practitioner with a DEA registration number may prescribe a controlled substance scheduled as Class III or IV, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substances Act, and may provide for a maximum of 5 refills in 6 months.
- I.G.** A registered nurse practitioner with a DEA registration number may prescribe a controlled substance scheduled as Class V, as defined in the Federal Controlled Substance Act or Arizona's Uniform Controlled Substance Act, and may provide for refills for a maximum of 1 year.

I.H. A registered nurse practitioner with prescribing and dispensing authority shall ensure that all prescription orders contain the following:

1. The name, address, phone number, and specialty area of the registered nurse practitioner;
2. The date the prescription is written;
3. The name and address of the patient;
4. The full name and strength, dosage form of a controlled substance when applicable, and directions for use;
5. Two signature lines for the prescriber. The right side of the prescription shall contain under the signature line the phrase "substitution permissible". The left side shall contain under the signature line, the phrase "dispense as written"; and
6. The DEA registration number, if applicable.

K.I. A registered nurse practitioner with prescribing and dispensing authority shall, each calendar year, obtain 10 contact hours of continuing education in pharmacology or pharmacology management or a combination of both.

1. A maximum of 5 of the required contact hours for renewal of prescribing and dispensing authority may be from mediated instruction and self study.
2. Registered nurse practitioners shall submit to the Board, before December 31 of each year, a notarized affidavit stating that they have obtained the required number of contact hours of continuing education and the annual renewal fee. Registered nurse practitioners who are granted prescribing and dispensing authority after October 31 shall not be required to obtain the 10 contact hours of continuing education for that year.
3. A registered nurse practitioner with prescribing and dispensing authority shall submit to the Board, at its request, documentation of the contact hours of continuing education taken by the registered nurse practitioner.
 - a. A registered nurse practitioner who leads, instructs, or lectures to groups of health professionals on pharmacy-related topics in continuing education activities sponsored by a national professional accrediting organization shall be granted contact hours for the time expended during the initial presentation, upon documentation to the Board.
 - b. A registered nurse practitioner whose primary responsibility is the education of health professionals shall not be granted contact hours for time expended on normal teaching duties within the learning institution.

L.J. Whenever there is a change in the identity of a collaborating physician who prescribes and dispenses, a registered nurse practitioner shall provide the Board with the name and address of the new collaborating physician who prescribes and dispenses within 30 days. The Board shall confirm the license status of the physician with the physician's licensing board.

M.K. A registered nurse practitioner with prescribing and dispensing authority shall apply for renewal of the authority on or before December 31 of each year. A registered nurse practitioner who fails to apply for renewal before expiration shall be considered delinquent but shall be permitted to renew the prescribing and dispensing authority by paying the expiration renewal fee and submitting the notarized affidavit required by subsection (I)(2). A registered nurse practitioner who fails to apply for renewal within 90 days of the expiration date shall apply for prescribing and dispensing authority in accordance with subsection (A).

N.L. The Board of Nursing shall annually send a list of registered nurse practitioners with prescribing and dispensing authority to the Board of Pharmacy, the Board of Medical Examiners,

Arizona Administrative Register
Notices of Proposed Rulemaking

and the Board of Osteopathic Examiners in Medicine and Surgery.

O. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for both initial and renewal of prescribing and dispensing authority:

1. Administrative completeness review time-frame: 30 days;
2. Substantive review time-frame: 150 days;
3. Overall time-frame: 180 days.

R4-19-511. Requirements for Clinical Nurse Specialist Certification

A. An applicant for certification as a clinical nurse specialist shall:

1. Hold a current license in good standing to practice as a professional nurse in Arizona;
2. Have a master of science degree in nursing or a master's degree with specialization in a clinical area of nursing practice;
3. Have evidence of current certification by a national nursing credentialing agency in a clinical area of nursing practice;
4. Submit to the Board:
 - a. A notarized application furnished by the Board which provides the following information:
 - i. The applicant's full name and any former names used by the applicant;
 - ii. The applicant's current home and business address and phone numbers;
 - iii. The applicant's professional nurse license number;
 - iv. A description of the applicant's educational background, including the name and location of schools attended, the number of years attended, the date of graduation, and the type of degrees or certificates awarded;
 - v. The applicant's current employer, including address, type of position, and dates of employment;
 - vi. A description of the applicant's national certification including the name of the national certification examination, name of the certifying organization, specialty area, certification number, and date of certification;
 - vii. Whether the applicant has ever had a nursing license denied, suspended, or revoked, and an

explanation of any license denial, suspension, or revocation;

viii. Whether a disciplinary action, consent order, or settlement agreement has been imposed upon the applicant and an explanation of any disciplinary action, consent order, or settlement agreement; and

ix. A sworn statement by the applicant verifying the truthfulness of the information by the applicant.

b. An official transcript and a copy of a letter received from the education program verifying completion of the requirement in R4-19-511(A)(2).

B. The Board office shall finish an administrative completeness review within 30 days from the date of receipt of an application.

1. The Board office shall issue a written notice of administrative completeness to an applicant if no deficiencies are found in the application packet.

2. If deficiencies are found in the application packet, the Board office shall provide a written comprehensive list of the deficiencies to the applicant and the 30-day time frame for the Board office to finish the administrative completeness review shall be suspended from the date the deficiency notice is mailed until the applicant provides the Board office with all deficient information.

C. From the date on which the administrative completeness review of an application is finished, the Board office shall complete a substantive review of the applicant's qualifications in no more than 150 days. Once the substantive review is complete, the Board shall review the application at its next regularly scheduled meeting.

D.B. The Board shall issue a certificate to practice as a clinical nurse specialist to a professional nurse who meets the criteria set forth in this Section. An applicant who is denied a certificate may request a hearing by filing a written request with the Board within 10 days of service of the Board's order denying the application for a certificate. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6, and 4 A.A.C. 19, Article 6.

E. For the purpose of A.R.S. § 41-1072 et seq., the Board establishes the following time-frames for certified nurse specialist application:

1. Administrative completeness review time-frame: 30 days;
2. Substantive review time-frame: 150 days;
3. Overall time-frame: 180 days.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 39. STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION

PREAMBLE

1. **Section Affected**
R4-39-102

Rulemaking Action
Amend

2. **The statutory authority for the rulemaking, including both the authorizing statute (general and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-3003(A)(3)

Implementing statute: A.R.S. § 41-1073

Arizona Administrative Register
Notices of Proposed Rulemaking

3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Teri Candelaria, Executive Director
Address: State Board for Private Postsecondary Education
1400 West Washington, Suite 260
Phoenix, Arizona 85007
Telephone: (602) 542-5709
Fax Number: (602) 542-1253

4. An explanation of the rule, including the agency's reasons for initiating the rule:

A.R.S. § 41-1073 requires that each agency adopt time-frame rules for licenses it issues. 4 A.A.C. 39, Article 1, Section R4-39-102 is being amended to add time-frame rules for licenses issued by this agency.

5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

6. The preliminary summary of the economic, small business, and consumer impact:

Article 1: The agency anticipates that the proposed rule amendment will have minimal impact on the Board, any other state agencies or departments, political subdivisions, or businesses in this state, small business, private persons, or consumers. Although the proposed rule amendment will establish maximum time periods for administrative and substantive license application reviews, the time-frames reflect existing agency licensing practices and internal time-frames. The proposed rule amendment will ensure that all license applicants receive the same amount of time to meet licensure requirements and that the agency consistently and objectively reviews all license applications. The proposed rule amendment should present neither a benefit nor a cost to the Board or any other state agencies or departments, political subdivisions, or businesses in this state. The proposed rule amendment will have minimal impact on public or private employment in this state. All of the persons and institutions subject to licensure by this Board are generally characterized as small businesses. Therefore, all licensed schools, colleges, and universities operating in this state will be subject to the proposed rule amendment. The proposed rule amendment, however, will have minimal impact on small business, private persons, or consumers. The proposed rule amendment will have no probable effect on state revenues or Board revenues. The agency is not aware of any other viable alternative methods of achieving the purpose of the proposed rule amendment.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Teri Candelaria, Executive Director
Address: State Board for Private Postsecondary Education
1400 West Washington, Room 260
Phoenix, AZ 85007
Telephone: (602) 542-5709
Fax: (602) 542-1253

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 27, 1997
Time: 10 a.m. to 10:30 a.m.
Location: State Board for Private Postsecondary Education
1400 West Washington, Room 260
Phoenix, AZ 85007
Nature: Oral Proceedings before the State Board for Private Postsecondary Education

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:

None.

11. The full text of the rule follows:

Arizona Administrative Register
Notices of Proposed Rulemaking

TITLE 4. COMMERCE, PROFESSIONS AND OCCUPATIONS

CHAPTER 39. STATE BOARD FOR PRIVATE POSTSECONDARY EDUCATION

ARTICLE 1. DEFINITIONS, LICENSURE AND REPORTING

Section

R4-39-102. Licensure and Licensure Procedures

ARTICLE 1. DEFINITIONS, LICENSURE AND REPORTING

R4-39-102. Licensure and Licensure Procedures

- A. The Board may issue a conditional, regular and supplemental license to operate a private vocational program.
- B. The Board may issue a conditional, provisional, regular and supplemental license to grant degrees.
- C. The Board may issue a regular license to agents for non-accredited vocational or degree granting institutions.
- D. Licenses shall be effective for a 12-month period from the date of issuance.
- E. Licensing of vocational institutions or programs is as follows:
 - 1. The original license issued to an accredited vocational institution or program shall be a regular license.
 - 2. The original license issued to a new non-accredited vocational institution or program shall be conditional for one year only. The renewal license shall be a regular license.
- F. Licensing of degree granting institutions is as follows:
 - 1. The original license issued to an accredited degree granting institution shall be a regular license.
 - 2. A new non-accredited institution must comply with the provisions of R4-39-106 in order to be granted a conditional license to grant degrees.
 - 3. A non-accredited institution must comply with the provisions of R4-39-107 in order to be granted a provisional license to grant degrees.
 - 4. An institution must be accredited as provided in A.R.S. § 32-3022.B and comply with the provisions of R4-39-103 in order to receive a regular license to grant degrees.
- G. For the purpose of A.R.S. § 41-1073, the Board establishes the following licensing time-frames:
 - 1. For an original vocational program license application or an original regular degree-granting license application:
 - a. Administrative completeness review time-frame: 90 days;
 - b. Substantive review time-frame: 90 days;
 - c. Overall time-frame: 180 days.
 - 2. For an original conditional degree-granting license application or a provisional degree-granting license application:
 - a. Administrative completeness review time-frame: 90 days;
 - b. Substantive review time-frame: 150 days;
 - c. Overall time-frame: 240 days.
 - 3. For a regular license renewal application or a supplemental license application:
 - a. Administrative completeness review time-frame: 45 days;
 - b. Substantive review time-frame: 90 days;
 - c. Overall time-frame: 165 days.
- H. Within 90 days of receiving an original vocational program license application, a regular degree-granting license application, an original conditional degree-granting license application, or a provisional degree-granting license application, or 45 days of receiving a regular license renewal application or a supplemental license application, the Board shall conduct an administrative completeness review.

- 1. If the application is complete, the Board shall notify the applicant that the application is complete and that the administrative completeness review is finished. The substantive review will begin on the date the notice is served.
- 2. If the application is incomplete, the Board shall notify the applicant that the application is incomplete and specify what information is missing or what deficiencies are found in the application. The administrative completeness review time-frame shall be suspended from the date the notice is served until the applicant provides the board with a revised application containing all missing information or correcting all deficiencies.
 - a. An applicant with an incomplete application shall submit the revised application within 60 days of receipt of notice.
 - b. If an applicant cannot submit a revised application within 60 days of receipt of notice, the applicant may request an extension by submitting a written request, documenting the reasons the applicant is unable to meet the 60-day deadline, to the Board postmarked or delivered within 60 days of receipt of notice.
 - c. The Board shall grant the request for an extension of the 60-day deadline, if the Board determines that the extension of the 60-day deadline will enable the applicant to submit a revised application containing all missing information or correcting all deficiencies.
 - d. Upon receipt of the revised application, the board shall notify the applicant that the administrative completeness review is finished. The substantive review will begin on the date the notice is served.
 - e. If the revised application is not submitted within the 60-day deadline and no extension has been granted, the application will be closed. An applicant whose application has been closed and who later wishes to seek license shall apply anew.
- I. Within 90 days from the date on which the administrative completeness review of an original vocational program license application, original regular degree-granting license application, regular license renewal application, or supplemental license application is finished or 150 days from the date on which the administrative completeness review of an original conditional degree-granting license application or a provisional degree-granting license application is finished, the Board shall complete a substantive review of the application, which may include an on-site verification, and render a final administrative decision.
 - 1. If the Board finds that the application demonstrates compliance with applicable statutes and rules, the Board shall grant the license.
 - 2. If the Board finds that the application fails to demonstrate compliance with applicable statutes and rules, the Board shall deny the license.
 - 3. If the Board finds deficiencies during the substantive review of the application, the Board shall issue a written request, specifying the additional documentation to be submitted and the deadline for submission. The time-frame for substantive review of an application shall be suspended from the date the written request for additional documentation is served until the date that all documentation is received.

Notices of Proposed Rulemaking

4. When the applicant and the Board mutually agree in writing, the substantive review time-frame may be extended for no more than 30 days.
5. If the requested documentation is not submitted by the specified deadline date and no extension has been granted, the Board shall deny the application.

NOTICE OF PROPOSED RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 5. CORPORATION COMMISSION

TRANSPORTATION

1. **Sections Affected**
R14-5-202
R14-5-203
R14-5-205
- Rulemaking Action**
Amend
Amend
Amend
2. **The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. §§ 40-202, 40-203, 40-321, 40-441, and 40-442 et seq.
Implementing statute: not applicable
Constitutional authority: Arizona Constitution, Article 15
3. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Peter Breen, Commission Counsel, Legal Division or Terry L. Fronterhouse, Chief, Pipeline Safety Division
Address: Arizona Corporation Commission
1200 West Washington Street,
Phoenix, Arizona 85007
Telephone: (602) 542-3402 or (602) 542-3316
Facsimile number: (602) 542-4870 or (602) 542-3071
4. **An explanation of the rule, including the agency's reason for initiating the rule:**
R14-5-202, R14-5-203, and R14-5-205 pertain to the transportation of natural gas, other gases, and hazardous liquids by pipeline and were amended to recognize changed to 49 CFR 40, 191, 192, 193, 195 (except 195.1(b)(2) and (3)) and 199. Changes were also made in the requirement to file changes to a pipeline operator's existing operation and maintenance plans and placement of new construction on top of natural gas pipelines.
5. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
6. **The preliminary summary of the economic, small business, and consumer impact:**
These amendments will amend already existing rules. The proposed amendments to the existing rules are designed to update the Arizona Corporation Commission Pipeline Safety rules to recognize the amendments to 49 CFR 40, 191, 192, 193, 195 (except 195.1(b)(2) and (3)) and 199 as of February 25, 1997, (minimum safety standards for construction, operation, and maintenance of natural gas, other gases, and hazardous liquid pipeline facilities). The amendments will create no additional cost to political subdivisions, small business, or consumers.
7. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
Name: Peter Breen, Commission Counsel, Legal Division or Terry L. Fronterhouse, Chief, Pipeline Safety Division
Address: Arizona Corporation Commission
1200 West Washington Street,
Phoenix, Arizona 85007
Telephone: (602) 542-3402 or (602) 542-3316
Facsimile number: (602) 542-4870 or (602) 542-3071
8. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**
The amendments will be adopted by the Arizona Corporation Commission at a regularly scheduled or a special Open Meeting. The notice and agenda will be posted in accordance with state law and will be mailed to those entities/individuals on the service list accompanying the Commission Decision authorizing the filing of the Notice of Proposed Rulemaking with the Secretary of State.

Arizona Administrative Register
Notices of Proposed Rulemaking

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporation by reference and their location in the rules:

49 CFR 40, 191, 192, 193, 195 (except 195.1(b)(2) and (3)) and 199. These regulations cover the minimum safety standards for the construction and operation of gas and hazardous liquid pipelines. These regulations may be found at the Arizona Corporation Commission, Utilities Division, Pipeline Safety Section, 1200 West Washington Street, Phoenix, Arizona 85007. These regulations are incorporated by reference in the amended rules at R14-5-202(B), (C), (E)(1) and (2), (I), and (J); R14-5-203(C)(2) and (3); and R14-5-205(B).

11. The full text of the rules follows:

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

**CHAPTER 5. CORPORATION COMMISSION
TRANSPORTATION**

ARTICLE 2. PIPELINE SAFETY

Section

- R14-5-202. Construction and Safety Standards
R14-5-203. Pipeline Incident Reports and Investigations
R14-5-205. Master Meter System Operators

ARTICLE 2. PIPELINE SAFETY

R14-5-202. Construction and Safety Standards

- A. No change.
B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C) below, the Commission adopts, incorporates, and approves as its own 49 CFR 40, 191, 192, 193, 195, except 195.1(b)(2) and (3), and 199, revised as of August 14, 1995 February 25, 1997 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
C. No change.
1. No change.
2. No change.
D. Operators of an intrastate pipeline will file with the Commission an Operation and Maintenance Plan (O & M), including an emergency plan, within 120 days of the effective date of this rule. Any ~~new plans or~~ changes in existing plans will be filed within 30 days of the proposed effective date of the change implementation.
E. No change.
1. No change.
2. No change.
F. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system, will not construct any part of a natural gas system under a building or permit a building to be placed over a pipeline.
G. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will not construct any part of a main or service line of a natural gas system closer than 8" to any other underground structure. If the 8" clearance cannot be maintained from other underground structures, a sleeve, casing or shielding may be used upon verification by the Pipeline Safety Section.
H. No change.
I. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will utilize a cathodic protection system designed to protect metallic pipe, when used, in its entirety, in accordance with 49 CFR 192, Subpart I, August 14, 1995 February 25, 1997 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government

Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975. Such a cathodic protection will be in operation within ~~60 days~~ 1 year after completion of construction.

- J. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, August 14, 1995 February 25, 1997 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
K. No change.
L. No change.
M. No change.
N. No change.
O. No change.
P. No change.
Q. No change.
R. No change.
S. No change.

R14-5-203. Pipeline Incident Reports and Investigations

- A. No change.
B. No change.
1. No change.
a. No change.
i. No change.
ii. No change.
iii. No change.
b. No change.
c. No change.
2. No change
a. No change.
b. No change.
c. No change.
d. No change.
e. No change.
3. No change.
a. No change.
b. No change.
c. No change.
d. No change.
e. No change.
f. No change.
g. No change.
C. Require written incident report:
1. No change
a. No change.

Arizona Administrative Register
Notices of Proposed Rulemaking

- b. No change.
 - i. No change.
 - ii. No change.
 - iii. No change.
 - c. No change.
 - d. No change.
 - 2. Written incident reports concerning natural gas or other gas pipeline systems will be in the following form:
 - a. RSPA E7100.1 (~~March 1984 Edition~~) - Distribution System: Incident Report, incorporated herein by reference and on file with the Office of the Secretary of State.
 - b. RSPA E7100.2 (~~March 1984 Edition~~) - Transmission and Gathering System: Incident Report, incorporated herein by reference and on file with the Office of the Secretary of State.
 - 3. Operators of an intrastate pipeline transporting hazardous liquid will make a written incident report on DOT Form 7000-1 (~~1978 Edition~~), incorporated herein by reference and on file with the Office of the Secretary of State, when there is a release of hazardous liquid which results in any of the following:
 - a. No change.
 - b. No change:
 - i. No change.
 - ii. No change.
 - iii. No change.
 - iv. No change.
 - v. No change.
 - c. No change.
 - d. No change.
 - e. No change.
 - f. No change.
 - 4. No change.
 - a. No change.
 - b. No change.
 - 5. No change.
 - D. No change.
 - 1. No change.
 - 2. No change.
 - a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
 - e. No change.
 - 3. No change.
 - 4. No change.
 - 5. No change.
 - 6. No change.
 - 7. No change.
- R14-5-205. Master Meter System Operators**
- A. Applicability. This rule applies to the construction, reconstruction, repair, emergency procedures, operation and maintenance of all master meter systems as a condition of receiving service from public service corporations. Noncompliance with this rule by operators of a master meter system shall constitute grounds for termination of service by the public service corporation when ~~directed informed to do so~~ in writing by the Pipeline Safety Section. In case of an emergency, the Pipeline Safety Section may give the public service corporation oral instructions to terminate service, with written confirmation to be furnished within 24 hours.
 - B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C) below, the Commission adopts, incorporates and approves as its own 49 CFR 191 and 192, revised as of ~~February 15, 1994~~ February 25, 1997 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
 - C. No change.
 - 1. No change.
 - 2. No change.
 - D. No change.
 - E. Operators of a master meter system will not construct any part of a natural gas or other gas system under a building ~~or permit a building to be placed over a pipeline.~~
 - F. No change.
 - G. No change.
 - H. No change.
 - I. No change.
 - J. No change.
 - K. No change.
 - L. No change.
 - M. No change.
 - 1. No change.
 - 2. No change.
 - 3. No change.
 - 4. No change.
 - N. No change.
 - O. No change.
 - P. No change.
 - Q. No change.
 - R. No change.

NOTICE OF PROPOSED RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

- | | |
|---|-----------------------------------|
| 1. Sections Affected
R19-3-101 | Rulemaking Action
Amend |
| 2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. §5-504(B). | |

Notices of Proposed Rulemaking

3. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Mr. Jody Spicola, Executive Director
Address: Arizona State Lottery Commission
4740 East University
Phoenix, AZ 85034
Telephone: (602) 921-4514
FAX: (602) 921-4488

4. An explanation of the rule, including the agency's reason for initiating the rule:

A.A.C. R19-3-101 defines terms specific to the Lottery industry and to the Lottery rules that are necessary to help a member of the public understand the rules. Modification to other Lottery rules required by statute amendment, five-year rule review, and new Lottery games require new terms to be defined in this Article.

5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

6. The preliminary summary of the economic, small business, and consumer impact:

- A. The Arizona State Lottery
There are no identifiable costs to the Agency for this Article.
- B. Political Subdivisions.
Political subdivisions of this state are not directly affected by the Retailer rule.
- C. Businesses Directly Affected by this Rulemaking.
Businesses are not affected by this rule.
- D. Private and Public Employment.
Private and public employees are not directly affected by this rule.
- E. Consumers and the Public.
There are no costs to the public associated with the implementation of this rule.
- F. State Revenues.
This rulemaking will not have an impact on state revenues.

7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Mr. Jody Spicola, Executive Director
Address: Arizona State Lottery Commission
4740 East University
Phoenix, AZ 85034
Telephone: (602) 921-4514
Fax: (602) 921-4488

8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: September 19, 1997
Time: 10:00 a.m.
Location: Arizona State Lottery
4740 E. University
Phoenix, AZ 85034
Nature: Oral Proceeding (Close of the record is 5:00 p.m., M.S.T., Thursday, September 18, 1997, for written comments and at the end of the oral proceeding for verbal comments.)

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

10. Incorporation by reference and their location in the rules:

Not applicable.

Arizona Administrative Register
Notices of Proposed Rulemaking

11. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 1. GENERAL

R19-3-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Act" means A.R.S. Title 5, Chapter 5, Article 1.
2. "Commission" means the 5-member Arizona State Lottery Commission.
- 3.2. "Controlling agent" means any of the retailer's substantial stockholders, directors, officers, managerial employees, or other persons directly or indirectly controlling or operating the retailer's business.
4. "Director" means the Executive Director of the Arizona State Lottery.
5. "Instant game" means a lottery game that is played by revealing the hidden area on a ticket to show the play and/or prize symbols that determine if a ticket holder is entitled to a prize or prizes.
6. "Lottery" means the Arizona State Lottery.
- 7.3. "On-line contractor" means a person contracted employed by the Lottery to conduct the daily operation of the On-line Lottery games.
8. "on-line game" means a lottery game that is played by entering a player's game play or plays into a Lottery authorized terminal to produce a ticket. The game play or plays on the ticket are compared to winning numbers selected during the drawing process to determine if a ticket holder is entitled to a prize or prizes.
4. "Partial pack of tickets" means an open pack of consecutively numbered and connected tickets. If a pack is broken into individual tickets, each individual ticket shall be considered a partial pack.
9. "Person" means an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, or referee, any other person acting in a fiduciary capacity who is appointed by a court, and any combination of individuals. "Person" also means any department, commission, agency, and instrumentality of the state, including any county, city, village, or township, and any agency or instrumentality thereof.
- 10.5. "Retailer" means a person who has been licensed by the Director Commission to sell Arizona state lottery tickets to the public by an across-the-counter transaction or by a Lottery-authorized electronic device at a specified point of sale at a specifically licensed location.
- 11.6. "Substantial stockholder" means any person holding a sufficient amount of any class of stock or securities to create a controlling interest in the business.
- 12.7. "Ticket" or "Lottery ticket" means any tangible evidence authorized a lottery ticket issued by the State Lottery to prove participation in a Lottery game for sale to the general public.